

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**BOVEE & THILL LLC,**

Plaintiff,

-against-

**PEARSON EDUCATION, INC. and PRENTICE  
HALL INC.,**

Defendants.

**08-CV-00119 (MGC)  
ECF Case**

**NOTICE OF MOTION BY DEFENDANTS PEARSON EDUCATION, INC.  
AND PRENTICE HALL INC. TO PARTIALLY DISMISS BOVEE & THILL LLC'S  
AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM**

PLEASE TAKE NOTICE, that upon the accompanying memorandum of law, and the Declaration of David Leichtman dated February 29, 2008 (D.I. No. 10), incorporated by reference herein pursuant to Rule 10 of the Federal Rules of Civil Procedure, and the Declaration of Gonzalo S. Zeballos dated May 22, 2008 Pearson Education, Inc. and Prentice Hall Inc., by its attorneys Lovells LLP, shall move this Court, before the Honorable Miriam G. Cedarbaum, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, 10007, Courtroom 14A, for an order dismissing Bovee & Thill LLC's Amended Complaint as it relates to certain sales of "Custom Published" works and certain "Sales through Foreign Subsidiaries and Affiliates" for failure to state a cause of action upon which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6), and for such other relief as the Court may deem just and proper.

Pursuant to Rule 3(c) of Judge Cedarbaum's Individual Practice Rules, answering papers shall be due on June 11, 2008; reply papers, if any, shall be due on June 17, 2008; and the return date for this motion shall be June 19, 2008, or as soon thereafter as the Court may direct.

Dated: New York, New York  
May 22, 2008

LOVELLS, LLP

By: /s/ David Leichtman  
David Leichtman (DL-7233)  
Gonzalo S. Zeballos (GZ-5994)  
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